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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,917	08/26/2003	Philip Francis Miele	7170	2439

7590 12/14/2005

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EXAMINER

DIXON, MERRICK L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,917

Applicant(s)

MIELE ET AL

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on election of 10-14-05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 14-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

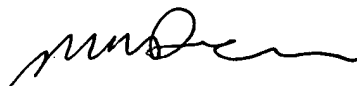
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8-13-04.

MERRICK DIXON**PRIMARY EXAMINER**

- 4) ☐ Interview Summary (PTO-713)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Applicant's election of the invention directed to article limitations, i.e., claims 1-13, is hereby acknowledged. Such election is done without traverse.

1. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, the phrase, "the mat" lacks proper antecedent basis. In claim 1, lines 2 and 3, the word, "good" is not understood as the word fails to define permanent properties. Such word is relative to respective readers/one of ordinary skill in the art.

In claim 11, lines 1-2, "ammonium bisulfite" is circular. Applicant cannot use a limitation to define said same limitation. See claims 12 and 13 for similar problems.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al(US 5578371) in view of Lokietek et al(US 6841039 B1).

The cited primary reference teaches the basic claimed invention including fiber material bonded by a formaldehyde binder of specific weight amounts containing including a bisulfite compound of specific amounts- col 3, line 61- col 4, line 19; col 4, lines 27-54; col 6, lines 23-30; claims 1 and 20. Although the primary reference teaches glass fiber

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mat(see above; claim 20). The primary reference fails to teach such fibers being polymeric. The secondary reference to Lokietek et al, however, teaches that it is known in the art apply binder material to fiber material, including polyester fiber material, col 1, lines 20-21, such as that taught in the primary reference – col 1, lines 36-53; col 5, lines 5-35; col 9, lines 60-63. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teaching of the secondary reference and bond such notoriously well known fiber material such as polymeric fibers with the primary reference's binder, in the absence of unexpected results. Such a combination would have been obvious as both references teaches utilizing binder material to bond fibrous material. Concerning claims 3-10, the primary reference teaches ammonium bisulfite of similar composition- col 4, lines 27-65; see Table 1; claims 4-8; 11; 19. Concerning claims 11-13, the secondary reference teaches polyester fiber material as discussed above- see above, col 1, line 21. The primary reference also teaches the claimed as also claimed- see above; also see references.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lokietek et al('039) and Taylor et al('371) as applied to claims 1,3-13 above, and further in view of Hummerich et al(US 6071994).

Hummerich et al teaches that it is known in the art to utilize acrylic copolymeric material in binder composition- col 2, line 52; col 3, lines 1-22; col 5, lines 14-21; col 6, lines 15-20; col 9, lines 30-44; col 10, lines 20-45. It is noted the reference teaches its binder mixed with formaldehyde- col 10, lines 9-13.

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Taylor et al(US 5719228),Greene(US 5160679) and Bainbridge et al(US 5612405) are cited of interest for their respective teachings as set forth and additionally to show the state of the art..

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.

The fax number for all other facsimile is 571-273-8300.

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquiries for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

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Any questions concerning the instant communication should be directed to Examiner

Dixon, at 571-272-1520, Mondays, Wednesdays and Thursdays, between 12 noon and

8 PM, eastern time .



Merrick Dixon

Primary Examiner

Group 1700